

Message Text

CONFIDENTIAL

PAGE 01 KUWAIT 04824 01 OF 02 190741Z

14

ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 TRSE-00 EB-07

MMO-01 CPR-01 OPR-02 OMB-01 IGA-01 /070 W

----- 071618

R 181038Z NOV 75

FM AMEMBASSY KUWAIT

TO SECSTATE WASHDC 4107

INFO SECDEF WASHDC//ISA//

USCINCEUR VAIHINGEN GER//ECJ4/7//

C O N F I D E N T I A L SECTION 1 OF 2 KUWAIT 4824

E.O. 11652: GDS

TAGS: MASS, KU

SUBJ: MOU FOR USLOK

REF: A. STATE 262443/052226Z NOV (PASEP)

B. KUWAIT 4667/100731Z NOV

C. KUWAIT 4726/121308Z NOV

SUMMARY: RESULTS OF INITIAL DISCUSSIONS ON USLOK MOU
REPORTED. DELICATE MATTER OF CRIMINAL JURISDICTION NOT
DIRECTLY ADDRESSED. SPECIFIC COMMENTS AND RECOMMENDATIONS
MADE AND GUIDANCE REQUESTED. END SUMMARY.

1. ON 15NOV75 DCM AND CH USLOK MET WITH HEAD, LEGAL
SECTION MFA TO DISCUSS DRAFT MOU PROVIDED REF A MODIFIED
AS REPORTED REF C. BASIC PROBLEM WITH FORM OF GOK DRAFT
EXPLAINED, E.G., US MILITARY PERSONNEL WOULD BE ORDERED
TO KUWAIT AS US MILITARY DUTY AND MUST RECEIVE PAY AND
OTHER CONSIDERATIONS AS REQUIRED BY US LAW AND
IMPLEMENTING REGULATIONS; AGREEMENT OF SECONDMENT NATURE
SIMPLY NOT POSSIBLE. MEETING FRIENDLY WITH UNDERSTANDING
APPARENT ON PART OF GOK REP. US DRAFT DISCUSSED PARAGRAPH
BY PARAGRAPH. FOLLOWING COMMENTS KEYED TO PARA NUMBERS
REF A.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 KUWAIT 04824 01 OF 02 190741Z

2. PARAGRAPH (1). GOK INDICATED VAGUELY THAT STRENGTHENING OF AUTHORITY OF CH USLOK DESIRED. ADDITION OF FOLLOWING REQUESTED: QUOTE MEMBERS OF THE LIAISON OFFICE WILL RESPECT THE LAWS AND REGULATIONS IN FORCE IN KUWAIT. THE CHIEF OF THE LIAISON OFFICE WILL INFORM THE KUWAITI MINISTRY OF DEFENSE OF ANY INCIDENT IN BREACH OF PEACE. THEY WILL CONSULT AND COORDINATE ACTION IN THE INTEREST OF THE GOOD COURSE OF JUSTICE. UNQUOTE. WHILE MATTER OF IMMUNITIES AND PRIVILEGES NOT SPECIFICALLY RAISED, SENSE OF CONVERSATION WAS THAT THERE SHOULD BE AN EFFECTIVE AUTHORITY TO MAINTAIN LAW AND ORDER.

3. PARAGRAPH (2). DELETED PER REF C.

4. PARAGRAPH (3). GOK REQUESTED DELETE AS VERY DIFFICULT FOR THEM. GOK ALSO NOTED THAT BASIC AGREEMENT AND VIENNA CONVENTION PROVISIONS ON REMOTE LOCATION COVER FLAG MATTER.

5. PARAGRAPH (4). GOK ASKED AGAIN IF US MILITARY COULD WEAR KUWAITI UNIFORM (ANSWER - NO). LENGTHY DISCUSSION FOLLOWED WITH EXAMPLES OF "AS APPROPRIATE TO OCCASION." GOK DOES NOT LIKE BUT DID NOT STATE AS IMPOSSIBLE. DISCUSSIONS ON UNIFORMS APPEARED TO GAIN UNDERSTANDING THAT IN SOME PLACES, E.G., IN DESERT WITH MILITARY UNIT OR IN MAINTENANCE AREA, CIVILIAN CLOTHING SIMPLY NOT APPROPRIATE.

6. PARA (5). GOK REQUESTED DELETION AS BEING WITHOUT MEANING IN KUWAIT. THERE ARE NO TRAVEL RESTRICTIONS WITHIN KUWAIT.

7. PARA (6). GOK STATED NO PROBLEMS BUT WOULD CHECK WITH THEIR CONSULAR PERSONNEL WITH VIEW TOWARDS SIMPLER PROCEDURES.

8. PARA (7). ACCEPTABLE.

9. PARA (8). GOK WANTED TO FIX SPECIFIC WEIGHTS/AMOUNTS USG PROCEDURES GENERALLY EXPLAINED. WILL PROVIDE SPECIFIC CONFIDENTIAL

CONFIDENTIAL

PAGE 03 KUWAIT 04824 01 OF 02 190741Z

EXAMPLES FROM JOINT TRAVEL REGS AND MAKE JTR AVAILABLE AT NEXT MEETING.

10. PARA (9). GOK EXPRESSED PREFERENCE FOR THEIR LANGUAGE. QUOTE NEITHER THE US GOVERNMENT NOR MEMBERS OF THE LIAISON OFFICE, WILL BE HELD LIABLE FOR DAMAGE, LOSS, OR DESTRUCTION OF PROPERTY OR FOR ANY NON-WILLFUL INJURY OR DEATH INCIDENT TO ANY KUWAITI MILITARY PROGRAM OR TRAINING

PROPOSED, ADVISED OR PARTICIPATED IN BY THE LIAISON OFFICE
OR ITS MEMBERS. UNQUOTE.

11. PARA (10). GOK VIEW IS THAT THIS PARAGRAPH IS SUPER-
FLUOUS AND MIGHT CAUSE THEM PROBLEMS. VIEW IS THAT THIS
IS COVERED UNDER BASIC AGREEMENT AND PROVISIONS OF
VIENNA CONVENTION.

12. PARA (11). NO DISAGREEMENT IN PRINCIPLE; HOWEVER,
MATTER DEFERRED PENDING DISCUSSION OF MOD PROVIDE VIS-
A-VIS USG PROVIDE AND BE REIMBURSED.

13. PARA (12). NO COMMENTS MADE.

14. PARA (13). CONSIDERABLE DISCUSSION OCCURRED ABOUT
THE NEED FOR THIS PARAGRAPH. THIS WILL BE FURTHER
DISCUSSED WITH MOD REPS.

15. PARA (14). GOK ORIGINALLY QUESTIONED UTILITY OF
PARAGRAPH BUT APPEARED ACCEPT AFTER USG EXPLANATION.

16. PARA (15). NO PROBLEM IN PRINCIPLE BUT EXAMPLES
DESIRED. WILL PROVIDE EXAMPLES BASED UPON OLD (PRIOR
OCT75) DOD PAY TABLES. (NEW PAY TABLES NOT YET AVAILABLE
IN KUWAIT.)

17. PARA (16). GOK REQUESTED THEIR LANGUAGE. QUOTE
THE GOVERNMENT OF KUWAIT SHALL MAKE AVAILABLE MOTOR VEHICLES
NECESSARY FOR THE PERFORMANCE OF OFFICIAL DUTIES WITHIN
ARMY CAMPS. UNQUOTE. CONSIDERABLE DISCUSSION FOLLOWED
CONCERNING PROVIDING AUTOMOBILES VICE SHIPPING POV'S, ETC.
MATTER RECOGNIZED AS ONE OF ECONOMICS, NOT PRINCIPLE.
GOK OFFERED CORRECT TECHNICAL DEFICIENCY THEIR LANGUAGE
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 KUWAIT 04824 01 OF 02 190741Z

WHICH WOULD RESTRICT USE TO "WITHIN ARMY CAMPS" BY DELETING
THIS PHRASE. WILL BE DISCUSSED FURTHER WITH MOD REPS.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 KUWAIT 04824 02 OF 02 190746Z

14

ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 TRSE-00 EB-07

MMO-01 CPR-01 OPR-02 OMB-01 IGA-01 /070 W

----- 071664

R 181038Z NOV 75

FM AMEMBASSY KUWAIT

TO SECSTATE WASHDC 4108

INFO SECDEF WASHDC//ISA//

USCINCEUR VAIHINGEN GER//ECJ4/7//

C O N F I D E N T I A L SECTION 2 OF 2 KUWAIT 4824

18. PARA (17). NO SIGNIFICANT COMMENT.

19. PARA (18). NO COMMENT.

20. PARA (19). MATTER OF APO EVOKED CONSIDERABLE DISCUSSION. GOK DESIRES SPECIFY THAT APO WOULD BE WITHIN EMBASSY COMPOUND (NO OBJECTION), AND THAT WORDING INDICATE THAT IT IS FOR OFFICIAL USE. SUGGEST FOLLOWING: QUOTE THE GOVERNMENT OF THE UNITED STATES MAY ESTABLISH AND OPERATE A MILITARY POST OFFICE AS PART OF THE FACILITIES OF THE US MISSION TO KUWAIT. THE PRIMARY FUNCTION OF THIS MILITARY POST OFFICE WILL BE FOR THE OFFICIAL USE OF THE LIAISON OFFICE. UNQUOTE.

21. PARA (20). GOK STATED THAT THIS PARAGRAPH POLITICALLY AWKWARD FOR THEM. BASIC IDEA OF PX NOT OFFENSIVE BUT GOK WISHES ENSURE NO CONNOTATIONS OF SPECIAL PRIVILEGE. MATTER LEFT OPEN FOR FURTHER DISCUSSION.

22. PARA (21). NO COMMENTS.

23. PARA (22). GOK VIEW STATED THAT PARAGRAPH MEANINGLESS (KUWAIT HAS NO SUCH CONTROLS); FURTHER, THIS WAS COVERED

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 KUWAIT 04824 02 OF 02 190746Z

BY BASIC AGREEMENT AND VIENNA CONVENTION.

24. PARA (23). GOK VIEWS LANGUAGE "IN ALL OTHER MATTERS" AS TOO BROAD. DISCUSSION DID NOT REVEAL A PROBLEM OF PRINCIPLE. USG EXAMPLES OF DEATH OR INSANITY OF MEMBERS OF LIAISON OFFICE APPEARED CONVINCING OF NEED FOR SOMETHING OF NATURE OF THIS PARAGRAPH. SUGGEST FOLLOWING REVISED

WORDING: QUOTE IN OTHER MATTERS RELATED TO THE REMUNERATION AND WELFARE OF MEMBERS OF THE LIAISON OFFICE, THE REGULATIONS, POLICIES AND . . . UNQUOTE.

25. PARA (24). NO COMMENT.

26. PARA (25). NO COMMENT.

27. COMMENT: INITIAL DISCUSSIONS APPEAR TO HAVE GONE WELL. I REMAIN CONCERNED ON DELICATE MATTER OF PRIVILEGES AND IMMUNITIES. I BELIEVE THAT WE NEED TO SHOW GOK THAT USG WILL PROVIDE EFFECTIVE MEANS TO MAINTAIN LAW AND ORDER AMONG LIAISON OFFICE PERSONNEL BY PROVIDING CLEAR COMMAND AUTHORITY TO CH USLOK. IF USG WILL NOT DO THIS, LIKELIHOOD THAT GOK WILL REOPEN MATTER AND PRESS FOR CRIMINAL JURISDICTION INCREASED. GOK AWARE USG HAS CONCEDED THIS IN SAUDI ARABIA. RECOMMENDATIONS OF REF B REAFFIRMED.

28. NEXT MEETING TENTATIVELY SET FOR 22NOV.

29. ACTION REQUESTED:

A. REQUEST PROVIDE EMBASSY WITH CURRENT DOD AND CIVIL SERVICENPAY TABLES ASAP.

B. REQUEST AUTHORITY TO DELETE PARA 3, 5, 10, 22 OF USG DRAFT MOU WHEN AND AS CONVENIENT IN NEGOTIATION PROCESS.

C. REQUEST ADVISE ACCEPTABILITY OF GOK LANGUAGE PROPOSED PARA 1 AND 9 AND EMBASSY PROPOSED LANGUAGE PARA 19 AND 23 OF USG DRAFT OF MOU (OR PROVIDE REVISED LANGUAGE).

D. REQUEST AUTHORIZE WORDING PARA 1 PREVIOUSLY RECOMMENDED REF B.

STOLTZFUS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY PERSONNEL, MILITARY ASSISTANCE, AGREEMENT DRAFT, STATUS OF FORCES AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: johnsorg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975KUWAIT04824
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750402-0771
From: KUWAIT
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751133/aaaabdfs.tel
Line Count: 254
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 262443, 75 KUWAIT 4667, 75 KUWAIT 4726
Review Action: RELEASED, APPROVED
Review Authority: johnsorg
Review Comment: n/a
Review Content Flags:
Review Date: 03 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 APR 2003 by ShawDG>; APPROVED <02 DEC 2003 by johnsorg>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MOU FOR USLOK
TAGS: MASS, MILI, KU, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006